

2007 DRAFTING REQUEST**Bill**Received: **10/05/2006**Received By: **mglass**Wanted: **As time permits**

Identical to LRB:

For: **Alvin Ott (608) 266-5831**By/Representing: **Erin Ruby**This file may be shown to any legislator: **NO**Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Ott@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Electrical code and regulation of electricians

Instructions:

See Attached and 05-3492

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mglass 02/04/2007	wjackson 02/05/2007	pgreensl 02/06/2007	_____	sbasford 02/06/2007		S&L
/2	mglass 03/04/2007	wjackson 03/05/2007	pgreensl 03/05/2007	_____	mbarman 03/05/2007	mbarman 04/20/2007	

FE Sent For: **AT INTRO.**

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FE Sent For:

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FE Sent For:

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p8/9k

**Comments Regarding Electrician & Electrical Contractor Licensing Draft
(LRB 3429/4)**

Commerce (Bob DuPont) – 9/7/06:

Thank you for giving us the opportunity to comment on this draft. I have reviewed the draft with Jim Quast and Joe Hertel of my staff and we have the following comments.

OK In the Analysis, third paragraph, we recommend that the first sentence simply read "Under this bill, a municipality may no longer license an electrical contractor." The phrase of the current first sentence that starts with "resulting in the elimination by a municipality or the state" is not accurate now that state contractor licensing is included in the draft.

OK On page 6, line 20 and 21, we recommend deletion of the sentence that says, "These rules shall require that these licenses be renewed every 3 years." We would rather have the license terms for electrical contractor be set by administrative rule - just like this draft proposes for all the other credential categories. Also, technically the law should not require that a credential be renewed without also mentioning all the conditions for renewal - such as fee payment, etc.

OK On page 8, line 14, we recommend deletion of the phrase "except as provided in par. (b)." We don't view par (b) as an exception.

On page 8 line 20, we recommend that text be added that states something to the effect that "no person may engage in the business of installation, repair or maintenance of electrical wiring unless the person...

On page 11, line 20 and 21, we recommend deletion of the phrase "who are not residential journeymen electricians. This phrase does not seem to us to be necessary - and may actually be confusing.

On page 14, effective dates, we recommend that the current law that authorizes municipal licensing of electricians, etc, be left in place during the time period between publication of this law change and the effective date for the new licensing mandate. Otherwise in the five year implementation time period for the statewide scheme, municipalities will not be able to start licensing of electricians. We think that until the state licensing program is fully implemented municipalities should be able to move in the same general direction as the state would be going - more licensing of electricians in this case.

We also have concerns about the likely need for additional resources necessary to implement this bill. Commerce may need at least a project position to help with the relatively high number of license applications and exams to be administered during the initial four or five years immediately preceding the license mandate going into effect.

Again - thank you for this opportunity to comment. Feel free to contact me with any questions you may have - or if you think we can be of further assistance.

WFC (Beata Kalies) – 9/11/06:

As promised during our recent phone conversation, here are my thoughts on the latest draft 3429/4. *I also have a voicemail message from Dave Boetcher and he shares my views.* I have also studied the comments Bob Dupont sent and agree with all of their proposed changes as well.

This draft takes out grandfathering and adds contractor licensing, both of which were missing elements from 3429/3.

However, there still is some confusion with the effective dates. We need to have the current system of some municipalities carrying on with their own programs until the state-run program is fully functional (in about 2

years). Therefore, the repeal of municipal programs [59.79 (4)] and having only the state provide licensing [110.862 (4)] should be effective after Commerce has time to get their rules together [25 months after publication]. The current draft seems to do this part, except the effective date is 61 months after publication.

That seems to be too long.

I think the 61 months idea came from the suggestion by ABC that workers have 3 years [or 36 months] to comply with the requirement for licensing. Does this mean 36 months after publication or 36 months plus the 25 months Commerce needs thus becoming a total of 61 months? I think 61 months is too far off especially since the industry and the department have been aware of the changes and involved with the process all along. The effective date should be 36 months after publication for license to be required and current municipal certification to be repealed thus giving workers 36-month notice to get their examination done.

It was not our intention to eliminate the requirement for the economic impact statement. This impact statement could be beneficial to Commerce in calculating staff time and some legislators may feel we are trying to hide costs to the state if it is not prepared. I understand this was meant to be a time saving measure but in the end, it could create more problems. Section 42 (2) needs to be crossed out.

I do not share the concern that the draft lacks details. If we were to put the same details into the draft, as the administrative rules will eventually have, the legislation would take another two years and tie the hands of the department that will have to implement the law. The stakeholders and the legislature will continue to have a say in the administrative rule process. We also have to keep in mind that the bill can be amended every step of the way no matter how final we feel it is.

We have worked for years, through many drafts and compromised quite a bit to get this language done.

Thank you for allowing me to share my comments and let's get the new 2007 draft done right after we meet with the stakeholders.

Commerce (Bob DuPont) – 9/13/06: (A follow-up to Beata's message)

We agree that the existing law that allows municipalities to require licenses should be kept until the new state program would be in effect.

However, we have concerns about the five year delay being changed to three years. We would appreciate an opportunity for all the parties to discuss the pros and cons of that change. As I recall, the effective date was changed to have a longer delay when it was decided to drop the grandfathering provisions. Without grandfathering we feel it is imperative to have an adequate time period for individuals now engaged in this activity to get into the new scheme.

ABC (John Mielke) – 9/22/06:

We generally agree with commerce's suggestions and see no real problem there. I agree that the requirement for an economic impact statement be included as suggested by Beata. There does need to be some discussion about effective dates. I don't think it need to be too long, on the other hand we need to give people sufficient time to get the credentials. Other than that, there are a few improvements we would like to suggest on the attached document. I think we are very close to an agreement. I assume when the time is appropriate we can reconvene the group to review the "final" draft before introduction and circulation for co-sponsors. It would be great if we could all issue information to legislators urging their support about the time the "Dear Colleague" letter is sent out.

Thanks to everyone for their hard work on this important issue.

****ABC Subcommittee Report Specifying Proposed Modifications Attached As Separate Document****

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Wisconsin Chapter

Associated Builders and Contractors of Wisconsin, Inc.
Comments on LRB 3429/4
September 2006

Page 6 lines 16-17

101.82 (1r) Promulgate rules that establish requirements for the supervision of beginning electricians.

Comment:

We feel this section is unnecessary as the supervision of all electricians (including beginning electricians) is already addressed in 101.862 (2)

101.862 (2) No person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person's work.

Page 7 Starting at line 20

101.86 (1) (a) Exercise jurisdiction over electrical ~~construction~~ wiring and inspection of electrical ~~construction in public buildings and places of employment~~ wiring by passage enactment of ordinances, providing such ordinances meet the minimum requirements of the department's rules adopted under this subchapter. An ordinance enacted under this paragraph may not be less restrictive than this subchapter.

Comments:

This section still allows a municipality to adopt provisions that are more restrictive than the state code. Therefore, it does not create a uniform electrical code.

Page 8 starting at line 19

101.862 License, registration, or certification required. (1) No person may install, repair, or maintain electrical wiring unless the person is licensed as an electrical contractor or as an electrician by the department or unless the person is registered as a beginning electrician by the department.

Comments:

This section does not adequately distinguish between an electrical contractor and the electrician or beginning electrician. We would like to suggest the addition of language similar to: "no person may engage in the business of installation, repair or maintenance of electrical wiring unless the person is a electrical contractor under this subchapter"

Alternatively, we could define "Electrical Contractor" and then prohibit anyone from acting as an "Electrical Contractor" unless they are properly credentialed. The legislation should be clear that only master electricians and persons who employ at least one master electrician may be certified as an electrical contractor.

Page 11, lines 1-5

1010.87 (1)(a) Completion of an apprenticeship program lasting for in installing, repairing, and maintaining electrical wiring that has a duration of at least 4 years and that is approved by the U.S. department of labor and by the department of workforce development. ~~or pass an inside journeyman wireman examination and who have installed~~ of workforce development.

Comment:

The ABC Subcommittee report recommended completion of an apprenticeship approved by the U.S. Department of Labor. This requires that the program be approved by the DOL and by the department of workforce development. Perhaps the requirement could be either DOL or workforce development.

Page 14, lines 13-14

SECTION 43. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 59.79 (4) and 101.862 of the statutes takes effect on the first day of the 61st month beginning after publication.

Comment:

I believe 101.87 should be added to the delayed effective date. Otherwise, journeyman electricians would be required to meet the licensing requirements upon passage not allowing for any time to get the required credential.

Additional Concern:

Because of the delayed effective date for most of the provisions, we are concerned that municipalities may enact a myriad of local ordinances dealing with electrical licensing between the times the bill passes and the effective date.

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: MBB) (Date: 1 / 31 / 07)



☐ Please transfer the drafting file for

2005 LRB 3429 to the drafting file

for 2007 LRB 0475

is in editing/typing

The final version of the 2005 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2005 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

☐ Please copy the drafting file for

2007 LRB / (include the version) and place it in the

drafting file for 2007 LRB

For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

**2005 BILL**

1 AN ACT *to repeal* 59.79 (4), 101.80 (2), 101.82 (3), 101.82 (3m), 101.84 (2), 101.86
2 (2), 101.865, 101.87 (2), 101.87 (3) and 101.87 (4); *to renumber and amend*
3 101.80 (1), 101.86 (3) and 101.87 (1); *to amend* 86.16 (2), 101.02 (20) (a), 101.02
4 (21) (a), subchapter IV (title) of chapter 101 [precedes 101.80], 101.82 (1),
5 101.82 (2), 101.86 (1) (a), 101.86 (1) (c), 101.88 (1), 101.88 (2), 101.88 (3), 182.018
6 (3) and 289.33 (3) (d); *to repeal and recreate* 101.87 (title); and *to create*
7 101.80 (1g), 101.80 (1j), 101.80 (1m), 101.80 (3), 101.80 (4), 101.80 (5), 101.82
8 (1m), 101.82 (1r), 101.82 (1v), 101.82 (2m), 101.82 (3r), 101.84 (3), 101.862 and
9 101.87 (5) of the statutes; **relating to:** the state electrical wiring code;
10 regulation of electricians, electrical contractors, and electrical inspectors;
11 electrical inspection services performed by the Department of Commerce;

BILL

- 1 regulation of heating and air conditioning contractors by a county with a
2 population of 500,000 or more; and granting rule-making authority.

Analysis by the Legislative Reference Bureau***Regulation by Department of Commerce***

Under current law, the Department of Commerce (Commerce) promulgates rules for electric construction in public buildings and places of employment and in places where farming is conducted. This bill expands Commerce's duty in this regard to promulgate a state wiring code that establishes standards for installing, repairing, and maintaining electrical wiring, regardless of what type of building is involved. It also requires Commerce to promulgate rules for the inspection of all electrical wiring. The bill defines "electrical wiring" to be equipment and wiring for the production and control of electrical energy; "electrical wiring" does not include the equipment and wiring used by public utilities, electric cooperatives, or operators of wholesale merchant plants, for the generation, transmission, and distribution of electricity to their customers or members. (A "wholesale merchant plant" is a plant that is generally not owned by a public utility and that provides service to wholesale customers.)

Electrical and other contractors and electricians

Under current law, Commerce administers a program for certifying electrical contractors. Under current law, a city, village, town, or county (municipality) may license an electrical contractor if the contractor has at least one master electrician as an employee. Current law requires Commerce to promulgate rules establishing a uniform examination for the statewide certification of master electricians. To be certified as a master electrician by Commerce, current law requires that the electrician pass the uniform examination. However, current law does not specifically require that a person who works as an electrician be licensed or certified by Commerce.

wrong [Under this bill, a municipality may no longer license a contractor, ~~resulting in the elimination of any requirement that electrical contractors be licensed or certified either by a municipality or the state.~~ Also, the bill specifically prohibits municipalities from registering or licensing electricians. Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce is required to promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeyman and master electricians, but excluding beginning electricians. Under the bill, beginning electricians are required to be registered but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work.

The bill specifies several persons who are exempt from licensing or registration, including individuals who perform certain types of electrical work on their own residences or in their own facilities, persons who perform electrical work on elevators

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and escalators, alarm systems, and plant and equipment used for carrying telecommunication services. Also exempt are employees and subcontractors of electricity providers, persons who work on lighting or signals for public thoroughfares or airports, and persons who work on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

In addition to the rules required to be promulgated by Commerce for all electricians, the bill imposes specific requirements as to the amount of experience necessary to be licensed as a residential or nonresidential journeyman electrician.

The bill repeals a provision authorizing the licensing and regulation of heating and air conditioning contractors in any county with a population of 500,000 or more (currently only Milwaukee County).

Electrical inspections

Under current law, a municipality may enact an ordinance regulating electrical construction and the inspection of electrical construction if the ordinance meets the minimum state requirements. Under current law, Commerce is required to contract with a municipality for inspections of electrical wiring for compliance with state law if the municipality has enacted such an ordinance and if Commerce is requested to do so by the municipality. Commerce is also required to provide such inspection in a municipality that has not enacted such an ordinance. Also, Commerce may, at the request of the owner or tenant, inspect the exterior and interior wiring of a public building or place of employment to determine compliance with state law. Current law also requires the company furnishing electric current to obtain proof of compliance with state law before furnishing the current. This bill eliminates these provisions.

The bill requires that Commerce promulgate rules establishing standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection. The bill specifically prohibits municipalities from certifying electrical inspectors.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.79 (4) of the statutes is repealed.

2 **SECTION 2.** 86.16 (2) of the statutes is amended to read:

3 86.16 (2) All poles used in the construction of such lines shall be set in such
4 manner as not to interfere with the use of such highway by the public, nor with the
5 use of the adjoining land by the owner thereof; and all pole lines shall hereafter be

BILL**SECTION 2**

1 constructed so as to meet the requirements of the Wisconsin provisions of the state
2 electrical code promulgated by the public service commission.

3 **SECTION 3.** 101.02 (20) (a) of the statutes is amended to read:

4 101.02 (20) (a) For purposes of this subsection, "license" means a license,
5 permit or certificate of certification or registration issued by the department under
6 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
7 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87
8 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045,
9 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

10 **SECTION 4.** 101.02 (21) (a) of the statutes is amended to read:

11 101.02 (21) (a) In this subsection, "license" means a license, permit or
12 certificate of certification or registration issued by the department under s. 101.09
13 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
14 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87 (1m), (1v), and
15 (2), 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
16 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

17 **SECTION 5.** Subchapter IV (title) of chapter 101 [precedes 101.80] of the
18 statutes is amended to read:

CHAPTER 101**SUBCHAPTER IV****INSPECTION OF ELECTRICAL CONSTRUCTION WIRING AND
CERTIFICATION OF MASTER ELECTRICIANS, CONTRACTORS,
JOURNEYMEN AND BEGINNING ELECTRICIANS**

24 **SECTION 6.** 101.80 (1) of the statutes is renumbered 101.80 (1r) and amended
25 to read:

BILL

1 101.80 (1r) "Municipality" means a city, town, village and, or county.

2 **SECTION 7.** 101.80 (1g) of the statutes is created to read:

3 101.80 (1g) "Electric cooperative" has the meaning given in s. 196.025 (5) (ag).

4 **SECTION 8.** 101.80 (1j) of the statutes is created to read:

5 101.80 (1j) "Electricity provider" means a public utility, an electric cooperative,
6 or a wholesale merchant plant operator.

7 **SECTION 9.** 101.80 (1m) of the statutes is created to read:

8 101.80 (1m) "Electrical wiring" means all equipment, wiring, material,
9 fittings, devices, appliances, fixtures, and apparatus used for the production,
10 modification, regulation, control, distribution, utilization, or safeguarding of
11 electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar
12 purposes, as specified under the state electrical wiring code. "Electrical wiring" does
13 not include the equipment, wiring, material, fittings, devices, appliances, fixtures,
14 and apparatus used by a public utility, or by an electric cooperative, or by a wholesale
15 merchant operator, for the purpose of generating, transmitting, or distributing
16 electricity to its customers or members.

17 **SECTION 10.** 101.80 (2) of the statutes is repealed.

18 **SECTION 11.** 101.80 (3) of the statutes is created to read:

19 101.80 (3) "Public utility" has the meaning given in s. 196.01 (5).

20 **SECTION 12.** 101.80 (4) of the statutes is created to read:

21 101.80 (4) "State electrical wiring code" means the rules promulgated under
22 s. 101.82 (1) for electrical wiring.

23 **SECTION 13.** 101.80 (5) of the statutes is created to read:

24 101.80 (5) "Wholesale merchant plant operator" means the operator of a
25 wholesale merchant plant, as defined in s. 196.491 (1) (w).

BILL

SECTION 14

1 **SECTION 14.** 101.82 (1) of the statutes is amended to read:

2 101.82 (1) ~~Adopt rules for the construction and inspection of electrical~~
3 ~~construction of public buildings and places of employment and for the inspection of~~
4 ~~electrical construction of places where farming, as defined in s. 101.01 (11), is~~
5 ~~conducted~~ Promulgate by rule a state electrical wiring code that establishes
6 standards for installing, repairing, and maintaining electrical wiring. Where
7 feasible, the standards used shall be those rules shall reflect nationally recognized.
8 No rule may be adopted which does not take into account the conservation of energy
9 in construction and maintenance of buildings standards.

10 **SECTION 15.** 101.82 (1m) of the statutes is created to read:

11 101.82 (1m) Promulgate rules that establish criteria and procedures for the
12 registration of beginning electricians and for the examination and licensing of
13 different types of electricians, including journeymen electricians and master
14 electricians.

15 **SECTION 16.** 101.82 (1r) of the statutes is created to read:

16 101.82 (1r) Promulgate rules that establish requirements for the supervision
17 of beginning electricians.

18 **SECTION 17.** 101.82 (1v) of the statutes is created to read:

19 101.82 (1v) Promulgate rules that establish criteria and procedures for the
20 licensing of electrical contractors. ~~These rules shall require that these licenses be~~
21 ~~renewed every 3 years.~~

22 **SECTION 18.** 101.82 (2) of the statutes is amended to read:

23 101.82 (2) Promulgate rules that establish criteria and procedures for the
24 certification, ~~including provisions for suspension and revocation thereof~~, of electrical
25 inspectors for the purpose of inspecting the electrical wiring of public buildings and

BILL

1 ~~places of employment. Persons certified as inspectors may be employees of the~~
2 ~~department, a municipality or private inspection agency.~~

3 **SECTION 19.** 101.82 (2m) of the statutes is created to read:

4 101.82 (2m) Promulgate rules that establish standards and a process for the
5 inspection of electrical wiring, including the inspection of electrical wiring for which
6 a municipality does not provide inspection under s. 101.86 (1).

7 **SECTION 20.** 101.82 (3) of the statutes is repealed.

8 **SECTION 21.** 101.82 (3m) of the statutes is repealed.

9 **SECTION 22.** 101.82 (3r) of the statutes is created to read:

10 101.82 (3r) Promulgate rules that establish criteria and a process for the
11 suspension or revocation of registrations issued to beginning electricians, licenses
12 issued to electricians and electrical contractors, and certifications issued to electrical
13 inspectors.

14 **SECTION 23.** 101.84 (2) of the statutes is repealed.

15 **SECTION 24.** 101.84 (3) of the statutes is created to read:

16 101.84 (3) Promulgate rules to differentiate the scope of installation, repair, or
17 maintenance of electrical wiring that may be performed by electrical contractors and
18 by different types of electricians, including beginning electricians, journeyman
19 electricians, and master electricians.

20 **SECTION 25.** 101.86 (1) (a) of the statutes is amended to read:

21 101.86 (1) (a) Exercise jurisdiction over electrical construction wiring and
22 inspection of electrical construction ~~in public buildings and places of employment~~
23 wiring by passage enactment of ordinances, ~~providing such ordinances meet the~~
24 ~~minimum requirements of the department's rules adopted under this subchapter.~~
25 An ordinance enacted under this paragraph may not be less restrictive than this

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Confirmity*

*no more
ordinances
during
transition
frozen
by state
presumption*

BILL**SECTION 25**

1 subchapter. A county ordinance shall apply in any city, village, or town which that
2 has not enacted such an ordinance.

3 **SECTION 26.** 101.86 (1) (c) of the statutes is amended to read:

4 101.86 (1) (c) By ordinance, establish and collect fees to defray the cost of
5 jurisdiction exercised under par. (a) or (b) ~~or a contract under sub. (2).~~

6 **SECTION 27.** 101.86 (2) of the statutes is repealed.

7 **SECTION 28.** 101.86 (3) of the statutes is renumbered 101.86 (3) (a) and amended
8 to read:

9 101.86 (3) (a) The cost of inspection services provided by any county which that
10 has enacted an ordinance under sub. (1) ~~or contracted under sub. (2)~~, if not defrayed
11 by fees, shall be charged to or taxed ~~upon~~ against the property within those cities,
12 villages, and towns in the county which that have not enacted a local construction
13 and inspection an ordinance under sub. (1) ~~or contracted under sub. (2)~~, and no,
14 except as provided in par. (b).

15 (b) No part of the cost of inspection services, if not defrayed by fees, may be
16 charged to or taxed against the property within any city, village, or town which that
17 has enacted such an ordinance or contracted under sub. (2) (1).

18 **SECTION 29.** 101.862 of the statutes is created to read:

19 **101.862 License, registration, or certification required.** (1) No person
20 may install, repair, or maintain electrical wiring unless the person is licensed as an
21 electrical contractor or as an electrician by the department or unless the person is
22 registered as a beginning electrician by the department.

23 (2) No person who is not a master electrician may install, repair, or maintain
24 electrical wiring unless a master electrician is at all times responsible for the
25 person's work.

Kors

+ electricians
separate

BILL

1 (3) Subsections (1) and (2) do not apply to any of the following:

2 (a) A residential property owner who installs, repairs, or maintains electrical
3 wiring on premises that the property owner owns and occupies as a residence, unless
4 a license or registration issued by the department is required by local ordinance.

5 (b) A person engaged in maintaining or repairing electrical wiring within a
6 facility or on premises owned or leased by the person or by an entity for which the
7 person is an agent.

8 (c) A person engaged in installing, repairing, or maintaining electrical wiring,
9 apparatus, or equipment for elevators and escalators.

10 (d) A person engaged in installing, repairing, or maintaining equipment or
11 systems that operate at 50 volts or less.

12 (e) A person engaged in installing, repairing, or maintaining an electronic
13 system designed to monitor a premises for the presence of an emergency, to issue an
14 alarm for an emergency, or to detect and summon aid for an emergency.

15 (f) A person engaged in installing, repairing, or maintaining electrical wiring
16 of transmission facilities, as defined in s. 196.01 (12).

17 (g) A person engaged in installing, repairing, or maintaining manufactured
18 equipment or a manufactured system that is designed to provide a function that is
19 not primarily electrical in nature if the installing, repairing, or maintaining does not
20 involve the delivery of electrical current to the equipment or the system.

21 (h) A person engaged in installing electrical wiring for components of a
22 manufactured home, as defined in s. 101.91 (2), while the manufactured home is at
23 or in the facility at which it is being manufactured.

BILL

SECTION 29

1 (i) A person engaged in installing, repairing, or maintaining electric wiring who
2 is employed by a electricity provider, or a subcontractor of an electricity provider,
3 within the scope of the person's employment.

4 (j) A person engaged in installing, repairing, or maintaining electrical wiring
5 that provides lighting or signals for public thoroughfares and for public airports.

6 (k) A person engaged in installing, repairing, or maintaining electrical wiring
7 on the utility side of substations and other distribution facilities owned or operated
8 by customers or members of electricity providers.

9 (4) A municipality may not impose any registration, licensing, or certification
10 requirements on electrical contractors, electricians, or electrical inspectors.

11 **SECTION 30.** 101.865 of the statutes is repealed.

12 **SECTION 31.** 101.87 (title) of the statutes is repealed and recreated to read:

13 **101.87 (title) Requirements for journeymen electricians.**

14 **SECTION 32.** 101.87 (1) of the statutes is renumbered 101.87 (1) (intro.) and
15 amended to read:

16 101.87 (1) (intro.) ~~The department shall adopt rules establishing a uniform~~
17 ~~examination for the statewide certification of master electricians and establishing~~
18 ~~certification requirements for electrical contractors, journeymen electricians and~~
19 ~~beginning electricians. The rules shall specify that only master electricians and~~
20 ~~persons who employ at least one master electrician may be certified as electrical~~
21 ~~contractors; that persons who successfully complete~~ The rules governing the
22 licensing of journeymen electricians under s. 101.82 (1m) shall require that an
23 applicant for licensure as a journeyman electrician who is not a residential
24 journeyman electrician have at least one of the following qualifications:

do something here

BILL

1 (a) Completion of an apprenticeship program lasting for in installing,
2 repairing, and maintaining electrical wiring that has a duration of at least 4 years
3 and that is approved by the U.S. department of labor and by the department or pass
4 an inside journeyman wireman examination and who have installed of workforce
5 development.

6 (b) Experience in installing, repairing, and maintaining electrical wiring for at
7 least 48 60 months and have maintained and repaired electrical wiring for at least
8 one month shall be certified as journeymen electricians; and that only persons who
9 have some experience installing and repairing electrical wiring may be certified as
10 beginning electricians. The rules shall provide for the periodic administration of the
11 examination, shall specify the certification period and examination fee and shall
12 establish criteria for the suspension of the certificate by the department for
13 violations of a municipality's electrical code upon notification of such violations by
14 the municipality. Applicants for certification as electrical contractors shall provide
15 the department with their social security number, their worker's compensation
16 number, their unemployment insurance account number, their state and federal tax
17 identification numbers and the name and address of each partner or member if they
18 are partnerships or limited liability companies, of the owner if they are individual
19 proprietorships and of their officers if they are corporations passage of an
20 examination required by the department for journeymen electricians who are not
21 residential journeymen electricians.

OK
as. 60

NOT RESIDENTIAL

22 SECTION 33. 101.87 (2) of the statutes is repealed.

23 SECTION 34. 101.87 (3) of the statutes is repealed.

24 SECTION 35. 101.87 (4) of the statutes is repealed.

25 SECTION 36. 101.87 (5) of the statutes is created to read:

BILL**SECTION 36**

1 101.87 (5) The rules promulgated under s. 101.82 (1m) shall require that an
2 applicant for licensure as a residential journeyman electrician have at least one of
3 the following qualifications:

4 (a) Completion of an apprenticeship program in installing, repairing, and
5 maintaining residential electrical wiring that has a duration of at least 3 years and
6 that is approved by the U.S. department of labor and by the department of workforce
7 development.

8 (b) Experience in installing, repairing, and maintaining electrical wiring for at
9 least 36 months, and passage of an examination required by the department for
10 residential journeymen electricians.

11 **SECTION 37.** 101.88 (1) of the statutes is amended to read:

12 101.88 (1) Every ~~contractor, designer and owner~~ person installing, repairing,
13 or maintaining electrical wiring shall use building materials, methods, and
14 equipment which are in conformance with the rules ~~adopted by the department~~
15 ~~under this subchapter~~ state electrical wiring code.

16 **SECTION 38.** 101.88 (2) of the statutes is amended to read:

17 101.88 (2) All inspections of electrical wiring shall be made by persons certified
18 by the department as an electrical inspector.

19 **SECTION 39.** 101.88 (3) of the statutes is amended to read:

20 101.88 (3) ~~Except as provided under s. 101.865 (2), whoever~~ Any person who
21 violates this subchapter or any rule promulgated under this subchapter shall forfeit
22 to the state not less than \$25 nor more than \$500 for each violation. Each day of
23 violation constitutes a separate offense.

24 **SECTION 40.** 182.018 (3) of the statutes is amended to read:

BILL

1 182.018 (3) All wires strung over any railroad on or after August 1, 1949, shall
2 be strung in such a way as to meet requirements of the Wisconsin provisions of the
3 state electrical code promulgated by the public service commission. Any person
4 stringing wires in violation of the code shall be subject to a forfeiture of not more than
5 \$100 nor less than \$25. Each 10-day period, after the first day, that such violation
6 occurs shall be a separate violation and shall subject the violator to an additional
7 forfeiture of not less than \$25 nor more than \$100 for each such violation.

8 **SECTION 41.** 289.33 (3) (d) of the statutes is amended to read:

9 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
10 authorization, approval, variance or exception or any restriction, condition of
11 approval or other restriction, regulation, requirement or prohibition imposed by a
12 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
13 a town, city, village, county or special purpose district, including without limitation
14 because of enumeration any ordinance, resolution or regulation adopted under s.
15 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
16 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
17 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
18 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16),
19 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
20 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
21 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
22 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (10) and (11),
23 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351,
24 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11
25 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

BILL**SECTION 42****SECTION 42. Nonstatutory provisions.**

(1) No later than the first day of the 12th month beginning after the effective date of this subsection, the department of commerce shall submit in proposed form the rules required under section 101.82 (1), (1m), (1r), (1v), (2), and (2m) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes.

(2) Notwithstanding section 227.137 (2) of the statutes, the secretary of administration may not require the department of commerce to prepare an economic impact report for the rules being promulgated under sections 101.82 (1), (1m), (1r), (1v), (2), and (2m) and 101.84 (3) of the statutes, as affected by this act.

SECTION 43. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 59.79 (4) and 101.862 of the statutes takes effect on the first day of the 61st month beginning after publication.

(END)

does this
work

Gibson-Glass, Mary

From: DuPont, Robert
Sent: Tuesday, November 21, 2006 4:41 PM
To: Ruby, Erin; 'Beata Kalies'; 'David F. Boetcher'; 'John R. Mielke'; 'Ron Klossner'; 'kwelectric@excel.net'; 'Dale Bahr'; 'george.vanderlinden@faith-technologies.com'; 'Steve Klessig'; Gibson-Glass, Mary
Cc: Hertel, Joe; Quast, Jim
Subject: RE: Meeting Reminder

As a result of our meeting today, Joe, Jim and I revisited the draft bill text regarding authority for Commerce to accept persons licensed in other states.

We think that the current bill draft does give Commerce adequate authority in this regard.

From: Ruby, Erin [mailto:Erin.Ruby@legis.wisconsin.gov]
Sent: Monday, November 20, 2006 11:23 AM
To: DuPont, Robert; Hertel, Joe; Quast, Jim; Beata Kalies; David F. Boetcher; John R. Mielke; Ron Klossner; kwelectric@excel.net; Dale Bahr; george.vanderlinden@faith-technologies.com; Steve Klessig; Gibson-Glass, Mary
Subject: Meeting Reminder

Just a reminder that we're scheduled to meet tomorrow (Nov. 21st) at 1:00 in Room 300 NE, here at the Capitol, to discuss the electrician and electrical contractor licensing bill (LRB 3429/4).

Although previously distributed, I'm attaching a copy of the draft, drafter's notes, and a compilation of comments many of you have offered on LRB 3429/4.

<< File: 05-34294.pdf >> << File: 05-34294dn.pdf >> << File: 3429-4 Comments.doc >> << File: Comments 3429-4.doc >>

I'm also attaching an email I received from Jeff Beiriger, who represents the Plumbing Heating & Cooling Contractors Association of Wisconsin. While supportive of the licensing concept, his group wants to be sure this bill will not require them to face double licensure for the limited electrical work they do in the normal course of their jobs, or sock consumers with additional costs by requiring multiple trades to do what one can do now. The Mechanical Contractors Association of Wisconsin has expressed similar sentiments.

<< File: RE Electrical Licensing Draft.htm >>
Please feel free to let me know if you have any questions.

Erin

Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov

11/27/2006

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Thursday, December 07, 2006 1:23 PM
To: Gibson-Glass, Mary
Subject: LRB 0475 - Licensing

Mary,

Just a quick note to let you know we will NOT be adding language to establish a uniform electrical code. Also, there appears to be no need to change anything relative to the apprenticeship program (page 11, lines 1-5).

We may need to tighten up the language in 101.862 (3)(g), but I'm waiting to hear from a different group on that issue. I'll let you know.

Thanks, Mary!

Erin

Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Wednesday, January 10, 2007 1:39 PM
To: Gibson-Glass, Mary
Subject: FW: LRB 0475 - Licensing

Mary,

Per our conversation, please find following Dept. of Commerce's suggested modification to 101.862 (3)(g) - new language in red:

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installing, repairing, or maintaining does not involve modification or installation of conductors beyond the nearest of either the disconnect or the last junction, pull or device box for the delivery of electrical current to the equipment or system.

To give you some context, Commerce and industry reps. agree that this language would allow the replacement of furnaces, dishwashers, disposals, built in ranges and cooktops, water heaters, air-conditioners, appliances in general as well as commercial and industrial equipment by individuals other than electricians while not allowing the installation of circuits that are not currently existing. It would not prohibit plumbers or HVAC persons from replacing equipment they sell and service but rather it would allow them to service as well as replace the equipment to the closest connection point, disconnect, junction, pull or device box where electrical connections can be made. The language would not absolve the person making the installation from the responsibility and the implied liability to ensure the installation is in compliance with the requirements of the electrical code.

Also, as noted in the below email, no change needs to be made to page 11, lines 1-5 (the "and"/"or" issue discussed at the November meeting).

The above change to 101.862 (3)(g), along with the changes discussed at our November 21st meeting (as outlined in a previous document I sent) should make this draft good to go. Any inclination on the timeline we're looking at?

Let me know if you have any questions.

Thanks!

Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov*

From: Ruby, Erin
Sent: Thursday, December 07, 2006 1:23 PM
To: Gibson-Glass, Mary
Subject: LRB 0475 - Licensing

Mary,

Just a quick note to let you know we will NOT be adding language to establish a uniform electrical code. Also, there appears to be no need to change anything relative to the apprenticeship program (page 11, lines 1-5).

We may need to tighten up the language in 101.862 (3)(g), but I'm waiting to hear from a different group on that issue. I'll let you know.

Thanks, Mary!

Erin

Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Tuesday, January 23, 2007 9:00 AM
To: Gibson-Glass, Mary
Subject: FW: WI Housing Alliance - Electrical Licensing Bill

Mary,

Per my phone message.

Please let me know if you have any questions.

Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov*

From: DuPont, Robert - Commerce
Sent: Monday, January 22, 2007 4:21 PM
To: Ruby, Erin
Cc: 'Beata.Kalies@wfcmac.coop'; Quast, Jim - Commerce; Hertel, Joe - Commerce
Subject: RE: WI Housing Alliance - Electrical Licensing Bill

Hi Erin!

That change (shown in red) is fine.

Thanks for asking!

From: Ruby, Erin [<mailto:Erin.Ruby@legis.wisconsin.gov>]
Sent: Monday, January 22, 2007 2:31 PM
To: DuPont, Robert - Commerce
Cc: Beata.Kalies@wfcmac.coop
Subject: WI Housing Alliance - Electrical Licensing Bill

Bob,

This email is to follow-up on my phone message from this afternoon.

I understand from Luke Rollins of the Wisconsin Housing Alliance that you've had discussions with him regarding the exemption language his organization would like to see in the electrical licensing bill.

Essentially, WHA would like "manufactured buildings" added to the current exemption under 101.862 (3)(h).

Their concern is with the electrical work that happens within the manufacturing facilities, and understand, that once on-site, any further electrical work/connections would need to be done by a licensed electrician.

What they are proposing might be drafted as follows:

"A person engaged in installing electrical wiring for components of a manufactured home, as defined in s.101.91 (2), or a manufactured building, as defined in s. 101.71 (6), while the manufactured home or manufactured building is at or in the facility at which it is being manufactured.

While Luke seemed to indicate the Department would be comfortable with this change, I wanted to check in with you to find out if this was indeed acceptable. If I get the green light from the Department on this proposed change, I would like to

try to get it in the draft yet before the drafter completes her work on the bill (hope to have the draft by week's end). However, if we need to take some time to examine this more closely, I have no problem holding off and working through the amendment process.

Please let me know your thoughts at your earliest convenience.

Thanks, Bob!

Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov*

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Wednesday, November 29, 2006 1:15 PM
To: Gibson-Glass, Mary
Cc: 'Beata Kalies'
Subject: Electrical Licensing Bill Meeting Notes

Attachments: Electricia1.doc

Hi, Mary!

Over the last few days I've been trying to fully process the meeting we had last week.

For my own reference I put together a summary of the items that need to be changed (or not - i.e. effective dates) in the draft based on the discussion the group had. In the event that it might be helpful, I'm attaching a copy of this document for you.

Let me know if you have something more that I might have missed or if these items don't match up with what you took from the meeting.

I am still waiting to hear from ABC on the "and"/"or" issue, as well as the uniform electrical code issue, but, at this time, my boss does not want this bill to address a uniform electrical code. I will let you know as soon as I hear back from that group.

Thank you for being at the meeting and for your work on this bill. Don't hesitate to let me know if you need anything more from me, or if you have any questions.

Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wisconsin.gov*



Electricia1.doc (35
KB)

Electrician/Electrical Contractor Licensing Bill
Summary of Changes to LRB 05-3429/4
Per November 21, 2006 Meeting

Attendees:		
Ott	Vanderlinden	Quast
Ruby	Boetcher	Gibson-Glass
Klossner	Mielke	Kalies
Krebsbach	Hertel	
Bahr	DuPont	

- done* 1. Retain the requirement that Commerce complete an Economic Impact Statement as part of the rule making process.
- done* 2. Modify the third paragraph of the analysis to read, "Under this bill, a municipality may no longer license an electrical contractor."
- done* 3. Page 6, lines 20 and 21 – Delete, "These rules shall require that these licenses be renewed every 3 years."
- D-Note* 4. Page 7 – Specify that local units of government may not create or modify ordinances regarding licensing of electricians or electrical contractors effective the day following publication.
- done* 5. Page 8, line 14 – Mary Gibson-Glass needs to look in to whether or not par. (b) should be an exception. May need to delete that language.
- done* 6. Page 8, line 20 – Add text something to the effect of, "no person may engage in the business of installation, repair or maintenance of electrical wiring unless the person... *(ABC made a similar suggestion.)*
- done* 7. Page 11, lines 1 to 5 – Waiting to hear from ABC on the "and"/ "or" issue relating to DOL/DWD apprenticeship program approval. *(Also waiting to hear from them on uniform electrical code issue, but Rep. Ott does not want such a provision added to the bill.)*
- OK as is* 8. Page 11, lines 20 and 21 – Language needs tweaking. Current language is confusing. Commerce thinks it may not even be necessary.
9. Page 14, lines 11 to 14 – Leave effective date provisions "as is" in the draft.

Gibson-Glass, Mary

From: Ruby, Erin
Sent: Monday, February 05, 2007 6:24 AM
To: Gibson-Glass, Mary
Subject: RE: Electricians draft

Thanks, Mary.

On the issue of the statewide electrical code, my understanding is that it wasn't really a matter of eliminating it, but rather leaving the draft as it was. Assoc. Builders and Contractors wanted it added (a preemption of local authority on establishing an electrical code, thereby creating a statewide uniform electrical code), but the decision was to leave the draft as it was. The state would establish minimum standards, and local municipalities could adopt more stringent standards.

Perhaps we should chat again before your support staff finalizes things.

Erin

From: Gibson-Glass, Mary
Sent: Sun 2/4/2007 2:19 PM
To: Ruby, Erin
Subject: Electricians draft

Erin,

I am sorry I was unable to get this to you on Friday. I am hoping it will get out Monday but our support staff will be busy with the budget. We shall see.

Unfortunately, the redraft instruction of eliminating the requirement of a statewide electrical code was quite challenging, at least to me. Please review carefully and let me know of any changes.

Thanks so much,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

confirmed above

in 342914-047511

*put back in state
wiring code*